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July 28, 2025

VIA ECF

The Honorable Nancy E. Brasel
United States District Court
District of Minnesota
300 South Fourth Street
Minneapolis, MN 55415

Re: *Wilderness Watch v. Hall*, Civil No. 0:23-cv-284-NEB-LIB
Summary Judgment Motions

Dear Judge Brasel:

Wilderness Watch writes to update the Court with respect to the proposed timeline for amending the Forest Plan for the Superior National Forest. Throughout this litigation, including at Summary Judgment, the Forest Service has argued that the Court should dismiss Plaintiff's case, in part because the Forest Service is "in the midst of an extensive process to revisit all aspects of its management of the Boundary Waters, including towboats." Defs' SJ Br. at 1; *see also id.* at 2 ("the agency is also in the process of reviewing all aspects of its management of the Wilderness, and the Court should not disturb that critical ongoing activity."). The process to which the Forest Service was referring is a revision of the Forest Plan for the Superior National Forest. At the time of Summary Judgment briefing and argument, scoping for the new Forest Plan was intended to begin in the fall of 2025. *See* Pfs' SJ Br. at 20, n.1 (noting that the formal NEPA process for the new Forest Plan was projected to begin in 2025 based on the then-current Forest Service webpage).¹ Wilderness Watch noted at the time that a completion date of 2027 was likely optimistic, given the public comment and review phases generally required in such a process. On July 18, 2025, the Forest Service updated the proposed timeline for amending the Forest Plan, pushing out the start of scoping by more than a year, to October 2026. *See Forest Plan Amendment of Management Direction for the BWCAW*, <https://www.fs.usda.gov/r09/superior/projects/65777> (last visited July 25, 2025).

¹ The link in the Plaintiff's brief is no longer active, but an archived version of the press release announcing the timeline for the new Forest Plan is available at, <https://www.fs.usda.gov/r09/superior/newsroom/releases/public-invitation-developing-forest-plan-amendment-management#:~:text=Duluth%2C%20MN.,29%20through%20May%2017%2C%202024> (last accessed July 25, 2025).

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To be clear, Plaintiff's positions in this litigation do not change based on whether or not the Forest Service begins to prepare a new Forest Plan. The Forest Service, however, has insisted that the Court must dismiss Plaintiff's claims, and must defer to the "ongoing" review process at the agency. To the extent that the Court was inclined to accept such a proposition, this year-long delay in the *start* of *scoping* – which is merely the plan to make a plan – demonstrates further that the Forest Service is simply continuing its years-long pattern of kicking this can down the road and has no intent of developing a coherent regulatory scheme for managing and tracking towboat use in the Wilderness, absent an Order from this Court compelling it to do so.

Should the Court require any further information, please do not hesitate to contact me.

Thank you.

Sincerely,

LOCKRIDGE GRINDAL NAUEN PLLP

s/Rachel A. Kitze Collins

Rachel A. Kitze Collins

c: Dana Johnson
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